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6 *Attorneys for Defendants*

7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE DISTRICT OF ARIZONA**

9 Joseph Grace, an individual,
10

11 Plaintiff,

12 vs.

13 Jose De la Torre and Jane Doe De la Torre,
14 a married couple,

15 Defendants.
16

CASE NO.: _____

NOTICE OF REMOVAL

17 Defendants Jose and Jane Doe De la Torre hereby submit their Notice of Removal
18 pursuant to 28 U.S.C. §§ 1332, 1441, 1446, and Local Rule of Civil Procedure 3.6, for the
19 following reasons:

20 **I. Commencement & Service**

21 Plaintiff originally filed this action in the Superior Court for Maricopa County,
22 Arizona, on January 16, 2025, under case number CV2025-002126. **See Exhibit 1, State**
23 **Court Docket.** Undersigned counsel waived service of the Complaint and Certificate of
24 Compulsory Arbitration on April 7, 2025. **See Exhibit 7, Combined Waivers of Service.**
25 Accordingly, this Notice of Removal is filed timely as required by 28 U.S.C. § 1446(b). *See*
26 *Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 354 (1999) (30-day
27 removal period runs from proper service under state law).
28

1 **II. Grounds for Removal**

2 This is a civil action between citizens of different states where the amount in
3 controversy exceeds \$75,000, exclusive of costs and interest. Defendants therefore are
4 entitled to remove the state court action to this Court. *See* 28 U.S.C. §§ 1332, 1441.

5 **A. Complete Diversity Citizenship Exists Between the Parties.**

6 Upon information and belief, at all times relevant to this action, Plaintiff was resident
7 and citizen of Arizona. *See Exhibit 3*, Complaint, ¶ 1. Defendants, by contrast, are citizens
8 of California. *See id.*, ¶¶ 2–3. Complete diversity therefore exists between the Parties as
9 required by § 1332(a)(1).

10 **B. The Amount in Controversy Exceeds \$75,000.**

11 Defendants “bear[] the burden of establishing, by a preponderance of the evidence,
12 that the amount in controversy exceeds” \$75,000. *See Sanchez v. Monumental Life Ins. Co.*,
13 102 F.3d 398, 404 (9th Cir. 1996); 28 U.S.C. § 1446(c)(2)(B). Plaintiff’s Complaint alleges
14 \$98,557.50 in past medical specials, future medical specials that may exceed \$100,000, and
15 lost wages of at least \$37,575. *Exhibit 3*, ¶¶ 14–16. The amount in controversy therefore
16 exceeds \$75,000 as required by § 1332(a).

17 **III. Venue**

18 Removal to this venue is appropriate because the District of Arizona embraces the
19 Maricopa County Superior Court where Plaintiff initially filed this action. *See* 28 U.S.C. §§
20 1441, 1446.

21 **IV. Notice**

22 Contemporaneous with filing this Notice, Defendants have provided Plaintiff with
23 written notice of this filing. Defendants also have filed a notice of this Notice of Removal
24 with the Maricopa County Superior Court Clerk as required by 28 U.S.C. §1446(d) and
25 Local Rule of Civil Procedure 3.6(a).

26 **V. State Court Record**

27 Copies of all state court pleadings and orders are attached to this Notice of Removal.
28 Pursuant to Local Rules of Civil Procedure 3.6(b), Defendants attach, and incorporate by

1 reference, true and correct copies of all the pleadings and other documents previously filed
2 with the state court. *See* Exhibit 1, State Court Docket; Exhibit 2, Civil Coversheet; Exhibit
3 3, Complaint; Exhibit 4, Combined Summons; Exhibit 5, Certificate of Compulsory
4 Arbitration; Exhibit 6, Notice of Appearance; and Exhibit 7, Combined Waivers of Service.

5 Dated: April 15, 2025

6 CLYDE & CO US LLP

7 By: /s/ J. William VanDehei

8 Kira Barrett

9 J. William VanDehei

Attorneys for Defendants

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12 **CERTIFICATE OF SERVICE**

13 I hereby certify that on April 15, 2025, I electronically transmitted the attached
14 document to the Clerk's Office using the CM/ECF System for filing and transmittal of a
15 Notice of Electronic Filing to all of the registered CM/ECF registrants on this matter. Copies
16 also were emailed to:

17
18
19 By: /s/ Kimberley M. Davison